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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Third-Party Defendant
WESTERN INDUSTRIES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW SHALABY, an individual, and
SONIA DUNN-RUIZ, an individual,

Plaintiffs,

v.

IRWIN INDUSTRIAL TOOL
COMPANY, THE HOME DEPOT, INC.,
and DOES 2 through 100, inclusive,

Defendants.

Case No. C 06-07026 MJJ

**STIPULATION AND ORDER
WITHDRAWING MOTION TO STRIKE
AND EXTENDING DUE DATE FOR
FILING RESPONSE TO THIRD-PARTY
COMPLAINT**

Judge: Martin J. Jenkins

BERNZOMATIC,

Cross-Complainant,

v.

WESTERN INDUSTRIES, INC.,
WORTHINGTON INDUSTRIES, AND
ROES 2 through 100, inclusive,

Cross-Defendants.

IT IS HEREBY STIPULATED by and between Defendant and Third Party Plaintiff
BERNZOMATIC, an Unincorporated Division of Irwin Industrial Tool Company, and Defendant
THE HOME DEPOT, INC. (collectively referred as "BERNZOMATIC") and Third Party
Defendant WESTERN INDUSTRIES, INC., ("WESTERN") and by and through their respective

STIPULATION AND ORDER WITHDRAWING MOTION TO STRIKE AND EXTENDING DUE DATE FOR
RESPONSE TO COMPLAINT C 06-07026 EDL

attorneys of record that the Motion To Strike Cross-Complainant's Third Party Complaint Against Cross-Defendant, Western Industries, Inc., shall be withdrawn. WESTERN'S response to BERNZOMATIC's Third Party Complaint shall be due twenty (20) days after the Court rules on Defendant WORTHINGTON INDUSTRIES' Motion for Change of Venue.

Dated: September 5, 2007

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

By: /s/ Lowell T. Carruth
Lowell T. Carruth
Attorneys for Third-Party Defendant
WESTERN INDUSTRIES, INC.

Dated: August 27, 2007

KELLER, PRICE & MOORHEAD

By: /s/ J. Phillip Moorhead
J. Phillip Moorhead
Attorneys for Defendant and Third Party
Plaintiff BERNZOMATIC, an
Unincorporated Division of Irwin
Industrial Tool Company, and Defendant
THE HOME DEPOT, INC.

ORDER

The Court, having considered the above Stipulation and good cause appearing, hereby orders that the Motion To Strike Cross-Complainant's Third Party Complaint Against Cross-Defendant, Western Industries, Inc., shall be withdrawn. WESTERN'S response to BERNZOMATIC's Third Party Complaint shall be due twenty (20) days after the Court rules on Defendant WORTHINGTON INDUSTRIES' Motion for Change of Venue.

IT IS SO ORDERED.

Dated: 9/6/07

U.S. Magistrate Judge



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